



State of Connecticut

HOUSE OF REPRESENTATIVES STATE CAPITOL

REPRESENTATIVE MIKE FRANCE
FORTY-SECOND ASSEMBLY DISTRICT

17 GARDEN DRIVE
GALES FERRY, CT 06335

HOME: (860) 464-9229
CAPITOL: (800) 842-1423
Mike.France@housegop.ct.gov

MEMBER

APPROPRIATIONS COMMITTEE
PLANNING AND DEVELOPMENT COMMITTEE
GOVERNMENT ADMINISTRATION AND ELECTIONS
COMMITTEE

February 5, 2015 * 6:00pm * New Haven City Hall

Testimony in support of HB 5056, *An Act Concerning The Protection Of Age-Restricted Housing.*

Dear Senator Winfield, Representative Butler, Senator Hwang and Representative Kupchick, and other distinguished members of the Housing Committee. Thank you for the opportunity to testify in favor of **HB 5056, *An Act Concerning The Protection Of Age-Restricted Housing.***

Age-restricted communities are regulated by the Fair Housing Administration within the Department of Housing and Urban Development under the Housing for Older Persons Act of 1995 (HOPA), which provides an exemption to familial status if the community meets certain conditions. Generally, the minimum age for qualification to purchase and live in an age-restricted community is 55 years of age.

When an individual decides to move into an age-restricted community, there is an expectation that the contractual agreement between the developer and the individual will remain intact. In an established age-restricted community, there is little risk of a significant change in that agreement due to the structure of the community and the will of the current residents. When an age-restricted community is under development, the individuals who purchase the first homes available in the age-restricted community have the same expectation that the contractual agreement will be maintained and their investment will not be negatively impacted by a unilateral change in status of the development, such as converting the undeveloped portion to deed-restricted affordable housing.

Our seniors should be protected from arbitrary changes to their living conditions, such as converting an age-restricted housing development to a deed-restricted affordable housing development, brought on by a developer who changes the contractual arrangement years after the purchase of their retirement home. These seniors are generally the least able to afford the cost of a legal battle required to defend their contractual rights and need the support of statute to help them maintain the substantial investment they have made in their retirement residence.

I urge the Housing Committee to support HB 5056 and thank all the members for their attention.

Regards,

Mike France State Representative, 42nd Assembly District
Ledyard, Preston, Montville



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February 5, 2015 * 6:00pm * New Haven City Hall

Testimony in support of HB 5055, *An Act Concerning The Calculation Of The Number Of Affordable Housing Units In Municipalities.*

Dear Senator Winfield, Representative Butler, Senator Hwang and Representative Kupchick, and other distinguished members of the Housing Committee. Thank you for the opportunity to testify in favor of **HB 5055, *An Act Concerning The Calculation Of The Number Of Affordable Housing Units In Municipalities.***

The goal of the Affordable Housing Statute (CGS § 8-30g) is to support the development of housing that is affordable for low- and moderate-income residents through a process of deed restriction for a specified number of years. The housing is determined to be affordable if it costs no more than 30% of their annual income.

An important issue, when considering this bill, is the difference between *affordable housing* and *housing that is affordable*. Under current statute, unless a property is deed restricted, it is not considered in the calculation of the percentage of affordable housing in a particular municipality. However, this only becomes an issue when a developer does not agree with the local Planning and Zoning Commission decision, seeking remedy through the Superior Court. If a municipality does not meet the current 10% threshold of deed-restricted affordable housing, then the burden of proof is on the municipality to defend the decision of the Commission.

By enabling a municipality to demonstrate that there is sufficient housing that meets the affordable criteria based on median income at a higher threshold of 15%, then the burden of proof shifts back to the developer to convince the court that the Commission acted illegally, arbitrarily, or abused its discretion by rejecting the proposed development. This does not prevent affordable housing from being developed but would enable municipalities to maintain the sense of community that has been established through the Plan of Conservation and Development and Zoning Regulations while still supporting smart growth that meets the needs of the municipality.

I urge the Housing Committee to support HB 5055 and thank all the members for their attention.

Regards,

Mike France State Representative, 42nd Assembly District
Ledyard, Preston, Montville



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February 5, 2015 * 6:00pm * New Haven City Hall

Testimony in support of HB 5254, An Act Concerning Affordable Housing Units In Set-Aside Developments.

Dear Senator Winfield, Representative Butler, Senator Hwang and Representative Kupchick, and other distinguished members of the Housing Committee. Thank you for the opportunity to testify in favor of **HB 5254, An Act Concerning Affordable Housing Units In Set-Aside Developments.**

The goal of the Affordable Housing Statute (CGS § 8-30g) is to support the development of housing that is affordable for low- and moderate-income residents through a process of deed restriction for a specified number of years. The housing is determined to be affordable if it costs no more than 30% of their annual income. However, while the goal of the Statute is to support development of affordable housing, it was not the intent to have individual units of affordable housing widely dispersed across a town.

The needs of our low- and moderate-income residents go beyond simply housing that is affordable. These needs include access to transportation, close proximity to shopping, and other necessities. Providing these needs becomes more challenging when individual units are broadly dispersed. Requiring a minimum threshold of ten (10) units of affordable housing in a development, for example, would provide a community of residents with common needs that can be served better.

Another benefit of establishing a minimum threshold is to preserve the sense of community in a well-established neighborhood and prevent using the Affordable Housing Statute as a method for a developer to get around municipal Zoning Regulations when they don't agree with the decision of the Planning and Zoning Commission. While there is a need for housing to be affordable for our low- and moderate-income residents, we should not allow the Statute to be used as a foil to essentially throw out the Zoning Regulations in a municipality.

I urge the Housing Committee to support HB 5254 and thank all the members for their attention.

Regards,

Mike France State Representative, 42nd Assembly District
Ledyard, Preston, Montville